

AMENDED IN ASSEMBLY APRIL 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1402

Introduced by Assembly Member Evans

February 23, 2007

An act to add Sections 4646.6 and 4704.6 to the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL’S DIGEST

AB 1402, as amended, Evans. ~~IPP~~ *Individual program plan* meetings: *recordation*: appeals procedure information.

Existing law, the Lanterman Developmental Disabilities Services Act, grants persons with developmental disabilities the right to receive treatment and services to meet their needs, regardless of age or degree of ~~handicap~~ *disability*, at each stage of life. Existing law requires that the state pay for these services through contracts with various private nonprofit corporations for the operation of regional centers for the developmentally disabled, and requires regional centers to develop an ~~Individual Program Plan (IPP)~~ *individual program plan* for each consumer that sets forth the treatment and services to be provided for the consumer.

Existing law grants an applicant for, or recipient of, services, or his or her representative, who is dissatisfied with any decision or action of the service agency, as defined, an opportunity for a fair hearing, including the option for a voluntary informal meeting or for voluntary mediation.

This bill would ~~require audio recordation~~ *grant a consumer, or his or her parent, guardian, conservator, or authorized representative, the right to make an audio tape recording of the* ~~IPP~~ *individual program*

~~plan meeting upon request, and would require the department, regional centers; and vendors; to provide appeal procedure information on their respective Internet Web sites, if any, including, but not limited to, a link to the department's Internet Web site, including the department's telephone number for the purpose of answering consumer and applicant questions about the appeals procedure.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4646.6 is added to the Welfare and
2 Institutions Code, to read:

3 4646.6. Notwithstanding Section 632 of the Penal Code, a
4 consumer, or his or her parent, guardian, conservator, or
5 authorized representative, shall have the right to record
6 electronically the proceedings of the individual program plan
7 meetings on an audiotape recorder. The consumer, or his or her
8 parent, guardian, conservator, or authorized representative, shall
9 notify the regional center of their intent to record a meeting at
10 least 24 hours prior to the meeting. If the regional center initiates
11 the notice of intent to audiotape record a meeting and the
12 consumer, or his or her parent, guardian, conservator, or
13 authorized representative, refuses to attend the meeting because
14 it will be tape recorded, the meeting shall not be recorded on an
15 audiotape recorder.

16 SEC. 2. Section 4704.6 is added to the Welfare and Institutions
17 Code, to read:

18 4704.6. Each regional center and each vendor that contracts
19 with a regional center to provide services to consumers shall
20 conspicuously post on its Internet Web site, if any, a link to the
21 department's Internet Web site page that provides a description
22 of the appeals procedure set forth in this chapter and a department
23 telephone number available for answering consumer and applicant
24 appeals procedure questions.

25 ~~SECTION 1. Section 4646.6 is added to the Welfare and~~
26 ~~Institutions Code, to read:~~

27 ~~4646.6. A consumer, or his or her parent, guardian, conservator,~~
28 ~~or authorized representative, as appropriate, may request that an~~
29 ~~audio recording be made of the IPP meetings. If requested, the~~

1 planning meetings shall be recorded and a copy or transcript shall
2 be provided upon request to the consumer, or his or her parent,
3 guardian, conservator, or authorized representative, as appropriate,
4 at no cost. The recordation shall be preserved pending resolution
5 of appeals, if any, of the IPP development or revision process.

6 SEC. 2. ~~Section 4704.6 is added to the Welfare and Institutions~~
7 ~~Code, to read:~~

8 ~~4704.6. (a) The department shall conspicuously post on its~~
9 ~~Internet Web site a description of the appeals procedure set forth~~
10 ~~in this chapter, including, but not limited to, a department telephone~~
11 ~~number that is made available to consumers and applicants for the~~
12 ~~purpose of answering consumer and applicant questions about the~~
13 ~~appeals procedure.~~

14 ~~(b) Each regional center and each vendor shall conspicuously~~
15 ~~post within its Internet Web site information about the appeals~~
16 ~~procedure and a regional center or vendor telephone number~~
17 ~~available for answering consumer and applicant appeals procedure~~
18 ~~questions, including, but not limited to, a link to the department's~~
19 ~~Internet Web site posting pursuant to subdivision (a).~~